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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,502	01/04/2002	Robert L. Noonan	COMP:0223 POO-3552	6280

7590 01/25/2007  
Intellectual Property Administration  
Legal Department M/S 35  
P.O. Box 272400  
Ft. Collins, CO 80527-2400

EXAMINER
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SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/037,502	Applicant(s) NOONAN ET AL.	
	Examiner Eron J. Sorrell	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 10/23/06
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,9,11,17 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 2,4-8,10,12-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>10/18/06</u>                             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                           |

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DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,9,11,17, and 20-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavallaei et al. (U.S. Patent No. 5,907,689 hereinafter "Tavallaei") in view of Brown et al. (U.S. Patent No. 6,397,287 hereinafter "Brown").

3. Referring to system claims 1 and 9, method claim 17, and apparatus claim 21, Tavallaei teaches a managed server (see figure 3), comprising:

a video controller operatively connected to a communications bus (see item 175 in figure 3);

a remote server management controller (see item 100 in figure 3) that snoops data from a communication bus (see paragraph bridging columns 21 and 22), the remote server management controller comprising:

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a FIFO that is adapted to store data snooped from the communication bus (see lines 10-14 of column 21, although Tavallaei doesn't explicitly use the term "snoop", the data in the FIFO described by Tavallaei stores data that is intended for another component of the system for analysis therefor the data is snooped data);

Tavallaei fails to teach an embedded bus master that is operatively connected to the communication bus, the embedded bus master being adapted to take control of the communication bus responsive to the signal the FIFO has reached a predetermined threshold to prevent overflow.

Coates teaches the above limitation is old and well known (see lines 36-50 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Tavallaei with the above teachings of Coates. One of ordinary skill in the art would have been motivated to make such modification to prevent the buffers from overflowing and losing data.

4. Referring to claims 3, 11, and 24 Tavallaei teaches the bus is a PCI bus (see item 50 in figure 2).

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5. Referring to claim 20, Tavallaei teaches the method steps are performed in the recited order (see rejection of claim 17, supra).

6. Referring to claim 22, Tavallaei teaches the server is configured to process the snooped data stored in the queue (see lines 10-14 of column 21). Coates teaches the bus master is throttling the flow of data in the FIFO (see lines 36-50 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Tavallaei with the above teachings of Coates for the same reasons as mentioned above.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tavallaei in view of Coates as applied to claims 1,9,17, and 21 above and further in view of Chin et al. (U.S. Patent No. 5,299,315).

8. Referring to claim 23, the combination of Tavallaei and Coates fails to teach the bus master is configured to throttle the data by preventing communication for a predetermined amount of time.

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Chin teaches the bus master is configured to throttle the data by preventing communication for a predetermined amount of time (see lines 59 of column 6 to line 17 of column 7, the time necessary to empty the FIFO).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Tavallaei and Coates with the above teachings of Chin. One of ordinary skill in the art would have been motivated to make such modification to simplify the bus arbitration process and optimize system performance as suggested by Chin (see lines 52-58 of column 6).

#### *Allowable Subject Matter*

9. Claims 2,4-8,10,12-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

10. Applicant's arguments with respect to claims 1,9,17, and 21 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be

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reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJS

January 17, 2007



KIM HUYNH  
SUPERVISORY PATENT EXAMINER

1/19/06